

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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TIMMINS SOFTWARE CORPORATION :
d/b/a MITREND, :
 :
Plaintiff, : Civil Action
v. : No. 19-12053-IT
 :
EMC CORPORATION d/b/a DELL EMC, :
DELL TECHNOLOGIES INC., and :
DELL INC., :
 :
Defendants. :
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JOINT MOTION TO AMEND CASE CAPTION

Pursuant to Rules 7 and 10(a) of the Federal Rules of Civil Procedure, Plaintiff Timmins Software Corporation (“TSC”) and Defendants EMC Corporation, Dell Technologies Inc., and Dell Inc. (collectively, “Dell” or “Defendants”), hereby move for an Order amending the caption in this action to remove the phrase “d/b/a DELL EMC.”

As grounds for this motion, the Parties state as follows:

1. TSC filed this lawsuit against three Defendants, one of which TSC named as “EMC Corporation d/b/a DELL EMC.” TSC did so based on its good faith belief as to the correct name of that Party.
2. Defendants represent that: (1) the correct name of that legal entity is EMC Corporation; (2) EMC Corporation has not filed a d/b/a for the phrase “DELL EMC”; and (3) DELL EMC is a brand name and not a legal entity or name.
3. Defendants believe that correcting the caption is necessary for accuracy and to prevent potential confusion.

4. Defendants represent that the removal of “d/b/a DELL EMC” will not alter the scope of the Parties who have been named as Defendants or otherwise impact any substantive issues in this litigation.

5. Based on information Defendants recently provided to TSC, and based on Defendants’ foregoing representations, TSC does not oppose the relief requested herein, but reserves its rights if such change to the caption ultimately does, in fact, have any impact on this litigation.

WHEREFORE, the Parties respectfully request that the Court grant this motion to amend the caption to remove the phrase “d/b/a DELL EMC.”

Dated: March 2, 2020
Boston, Massachusetts

Respectfully submitted,

/s/ Benjamin M. Stern
Benjamin M. Stern (BBO #646778)
Robert Hover (BBO #685975)
VERRILL DANA LLP
One Federal Street
Boston, Massachusetts 02108
(617) 309-2600
bstern@verrill-law.com
rhoover@verrill-law.com

Sara Hirshon (BBO #662202)
VERRILL DANA LLP
One Portland Square
Union Street
Portland, Maine 04112
(207) 774-4000
shirshon@verrill-law.com

Counsel for Plaintiff
Timmins Software Corporation

/s/ Kurt Wm. Hemr
Kurt Wm. Hemr (BBO #638742)
Christopher G. Clark (BBO #663455)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
500 Boylston Street
Boston, Massachusetts 02116
(617) 573-4800
kurt.hemr@skadden.com
christopher.clark@skadden.com

P. Anthony Sammi (admitted *pro hac vice*)
Douglas R. Nemec (admitted *pro hac vice*)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Manhattan West
New York, New York 10001
(212) 735-3000
anthony.sammi@skadden.com
douglas.nemec@skadden.com

Counsel for Defendants
EMC Corporation, Dell Technologies Inc.,
and Dell Inc.